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| SHAMIT MANAGEMENT, INC. | : | BEFORE THE |
| Appellant | : | HOWARD COUNTY |
| vs. | : | BOARD OF APPEALS |
| DEPARTMENT OF FIRE AND RESCUE SERVICES HOWARD COUNTY, MARYLAND | : | HEARING EXAMINER |
| Appellee | : | BA Case No. 561-D |

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ORDER

On March 23, 2006, the undersigned, serving as the Howard County Board of Appeals Hearing Examiner, and in accordance with the Hearing Examiner Rules of Procedure, received an administrative appeal petition from Shamit Management, Inc. (the “Appellant”). The petition states that the Appellant is aggrieved by the issuance of a notice of violation of the Howard County Fire Code by the Department of Fire and Rescue Services. The Appellant requests an appeal hearing before the Hearing Examiner.

As Hearing Examiner, I am authorized to hear only those matters that are otherwise within the jurisdiction of the Howard County Board of Appeals. Section 16.302(a) of the Howard County Code. The Board is authorized to hear only such matters as are set forth in Article 25A, Section 5(U) of the Annotated Code of Maryland and as are further set out in implementing legislation enacted by the County Council. Section 501(b) & (f) of the Howard County Charter.

The County Code contains no provision authorizing an appeal from the issuance of a notice of violation of the Fire Code. While such an appeal right formerly existed, it was

removed by the County Council in 2004 (CB 52).¹ Consequently, neither I nor the Board has the authority to hear the Appellant's appeal. It must therefore be dismissed.

It is therefore this **24th day of March 2006**, by the Howard County Board of Appeals Hearing Examiner, **ORDERED:**

1. The appeal of Shamit Management, Inc., in BA Case No. 561-D is hereby **DISMISSED**; and it is further **ORDERED:**

That the filing fees paid by the Appellant for BA Case No. 561-D be refunded to the Appellant.

**HOWARD COUNTY BOARD OF APPEALS
HEARING EXAMINER**

Thomas P. Carbo

Date Mailed: _____

Notice: A person aggrieved by this decision may appeal it to the Howard County Board of Appeals within 30 days of the issuance of the decision. An appeal must be submitted to the Department of Planning and Zoning on a form provided by the Department. At the time the appeal petition is filed, the person filing the appeal must pay the appeal fees in accordance with the current schedule of fees. The appeal will be heard *de novo* by the Board. The person filing the appeal will bear the expense of providing notice and advertising the hearing.

¹ The DFRS Notice of Violation that was issued to the Appellant states on the back that any person has a right to appeal a decision of the Code Official to the Board of Appeals. This notice is outdated and should be deleted from the form.